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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**
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9 DARREN WHITNEY,

10 Petitioner,

11 v.

12 A. HEDGPETH, Warden,

13 Respondent.

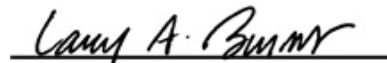
Civil No. 07cv1592 LAB (PCL)

**AMENDED ORDER DISMISSING
PETITION WITHOUT PREJUDICE**

14 On September 5, 2007, this Court issued an Order dismissing this 28 U.S.C. § 2254
15 habeas corpus action without prejudice for failure to use the proper form. Dkt No. 2. That Order
16 also erroneously refers to an *in forma pauperis* Motion, whereas this Petitioner has actually paid
17 the \$5.00 filing fee in full without requesting *in forma pauperis* status. The Court accordingly
18 hereby rescinds those portions of the earlier order alluding to such a Motion and status. The
19 remainder of the September 5, 2007 Order remains in full effect, and Petitioner is again advised
20 that to have this case reopened, he must, **no later than November 5, 2007**, file a First Amended
21 Petition that cures the pleading deficiencies set forth in the prior Order, along with a copy of this
22 Order.

23 **IT IS SO ORDERED.**

24 DATED: September 6, 2007

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26 **HONORABLE LARRY ALAN BURNS**
27 United States District Judge
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